

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of	)	
	)	
Telephone Number Portability	)	CC Docket No. 95-116
	)	
Petition for Declaratory Ruling of the	)	
Cellular Telecommunications &	)	
Internet Association	)	

**REPLY COMMENTS  
OF THE  
NATIONAL TELECOMMUNICATIONS COOPERATIVE ASSOCIATION**

The National Telecommunications Cooperative Association (NTCA) hereby submits Reply Comments in response to the Commission's request for Comments<sup>1</sup> on the Petition for Declaratory Ruling (Petition) of the Cellular Telecommunications & Internet Association (CTIA) filed May 13, 2003. CTIA makes several suggestions for resolutions on the merits of pending issues and it urges interpretations that do not benefit small rural carriers. This reply does not address CTIA's procedural request but NTCA supports those commenters who argue that Commission must clarify some of the issues raised by CTIA. NTCA agrees that: 1) a request for portability is not a "*bona fide*" valid request unless the requesting carrier has an interconnection arrangement with the incumbent; 2) numbers cannot be ported outside of a rural carrier's rate center; and 3) rural carriers are not compelled to implement a porting interval designed for large nationwide CRMS carriers.

NTCA is a national association representing more than 555 rural telecommunications providers. All of NTCA's members are full service local exchange

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<sup>1</sup> *In re Comment Sought on CTIA Petition for Declaratory Ruling on Local Number Portability Implementation Issues*, CC Docket No. 95-116, DA 03-1753 (May 22, 2003).

carriers, each meeting the definition of a “rural telephone company” as set out in the Communications Act of 1934, as amended (Act). About half of NTCA’s members also hold wireless licenses and provide their communities with wireless service.

**I. INTERCONNECTION AGREEMENTS ARE NECESSARY FOR NUMBER PORTABILITY**

CTIA claims that interconnection agreements are not necessary to implement number portability.<sup>2</sup> It asserts that service level porting agreements are all that is necessary. However, CTIA provides no explanation of how the costs incurred by LNP-related traffic would be recovered. As several commenters pointed out, CTIA’s reading of the rules is unworkable and could lead to customer confusion and unanticipated costs.<sup>3</sup>

If a rural carrier were to port a customer’s number to a nationwide CRMS carrier that has no interconnecting facilities and no interconnection agreement with the rural carrier, the customer’s calls would have to be routed via an IXC over the toll network. End users could find themselves unexpectedly charged toll rates for calls that were previously local. Alternatively, a rural carrier could be forced to route traffic over Extended Area Service (EAS) routes. These routes were established to carry local traffic between two exchanges with common interests. They were not designed to carry the additional traffic of LNP requests. Unanticipated upgrades may be necessary.

CTIA argues that the Commission may not require CMRS providers to enter into interconnection agreements under section 251.<sup>4</sup> However, sections 251 and 252 of the

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<sup>2</sup> Petition, pp. 17-21.

<sup>3</sup> See, Comments of Organization for the Promotion and Advancement of Small Telecommunications Companies, Rural Telecommunications Group, Rural Cellular Association, Rural Iowa Independent Telephone Association, United States Telecom Association.

<sup>4</sup> Petition, pp. 19-20.

Act mandate interconnection agreements for LNP when an ILEC is involved.<sup>5</sup> Further, CTIA recognizes the Commission's authority to draft rules to make number portability technically feasible.<sup>6</sup> Proper routing, call completion and quality standards are all ensured through interconnection agreements. As OPASTCO states, the Commission should clarify that interconnection agreements are a necessary pre-requisite for LNP regardless of the technology platform used.<sup>7</sup>

## **II. RURAL CARRIERS SHOULD NOT BE REQUIRED TO PORT NUMBERS OUTSIDE OF THEIR RATE CENTERS**

CTIA previously requested a declaratory ruling that wireline carriers must provide portability to wireless carriers operating within their service area.<sup>8</sup> NTCA joined the National Exchange Carrier Association, Inc. and filed comments on the earlier petition and will not repeat its arguments here.<sup>9</sup>

The Commission has determined that wireline LNP is bound by the existing rate center of the ILEC based on the NANC finding that "location portability is technically limited to rate center/rate district boundaries of the incumbent LEC due to rating and routing concerns."<sup>10</sup> This issue is already before the Commission and NTCA agrees with RTG that it would be "unwise" for the Commission to attempt to resolve it before Labor Day as CTIA has requested. As RTG states, "[n]umber portability should not become an accidental shortcut around critical intercarrier compensation issues currently pending

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<sup>5</sup> See, USTA Comments, p. 5.

<sup>6</sup> Petition, p. 20.

<sup>7</sup> See, OPASTCO Comments, p. 3.

<sup>8</sup> See, *Comment Sought on CTIA Petition for Declaratory Ruling that Wireline Carriers Must Provide Portability to Wireless Carriers Operating Within Their Service Areas*, CC Docket No. 95-116, DA 03-211 (rel. Jan 27, 2002).

<sup>9</sup> See, Joint Comments of the National Exchange Carrier Association, Inc. and the National Telecommunications Cooperative Association, CC Docket No. 95-116, DA 03-211 (filed February 26, 2003).

before the Commission.<sup>11</sup> The Commission has already provided guidance on the rate center issue and it is not necessary to revisit it to make wireless number portability a reality.

The Commission should take care to ensure that the implementation of wireless number portability does no harm to small and rural carriers, whether they are wireline or wireless. CTIA's petition is not only unworkable in the rural wireline context, it would require rural carriers to port out numbers to nationwide wireless carriers without any corresponding obligation on the part of the nationwide carriers to port numbers to rural carriers, as RTG points out.<sup>12</sup> A large carrier's service area may overlap the rate center of a small rural wireless carrier, but the rural carrier's service area may not overlap the urban rate centers of the large wireless carrier. Under CTIA's reading of the rules, there would likely be a disproportionate porting of numbers and a corresponding loss of customers from the rural carrier to the large urban carrier. This would erode the customer base of the rural carrier and ultimately lead to a decline in service quality as the rural carrier would lack the resources to make necessary repairs and improvements to its system. CTIA is requesting location portability and the Commission should decline to expand the scope of the current portability rules.

### **III. THE COMMISSION SHOULD NOT COMPEL RURAL CARRIERS TO COMPLY WITH CTIA'S PROPOSED PORTING INTERVAL**

In its Petition, CTIA requests that the FCC establish the time interval required for number porting between carriers. CTIA's suggested intervals are designed for large, nationwide carriers with large staffs. Rural wireline and wireless carriers lack the staff

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<sup>10</sup> North American Numbering Council Local Number Portability Administration Selection Working Group Final Report and Recommendation to the FCC, Appendix D at 5 (rel. April 25, 1997).

<sup>11</sup> See, RTG Comments, p. 8.

and resources necessary to fulfill requests in such a short time span. Two and a half hours for wireless to wireless porting is unrealistic in rural America, and a two day turnaround for wireline to wireless porting may not be technically feasible. There would be substantial cost in staff and equipment for a rural carrier to meet the demands of CTIA.

There is no evidence that rural carriers are failing to process *bona fide* porting requests in a timely manner. Accordingly, there is no justification for mandating a porting interval for rural carriers that was designed with only large carriers in mind.

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<sup>12</sup> *Id.*

#### IV. CONCLUSION

CTIA's petition may fill the needs of large, nationwide wireless providers, but some of its suggestions ignore the needs of the smallest providers serving rural America and has the potential to harm them. Therefore, NTCA supports those commenters who argue that Commission should clarify that: 1) a request for portability is not a "*bona fide*" valid request unless the requesting carrier has an interconnection arrangement with the incumbent; 2) numbers cannot be ported outside of a rural carrier's rate center; and 3) rural carriers are not compelled to implement a porting interval designed for large nationwide CRMS carriers.

Respectfully submitted,

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June 24, 2003

## CERTIFICATE OF SERVICE

I, Gail Malloy, certify that a copy of the foregoing Reply Comments of the National Telecommunications Cooperative Association in CC Docket No. 95-116, DA 03-1753 was served on this 24th day of June 2003 by first-class, U.S. Mail, postage prepaid, to the following persons.

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